one's political views. However much strongly he advocated his own cause, when once the discussion was over, he was as friendly ever witty and humorous as ever. No one could really be enmical to him. We have lost in him a real, good friend and a really able judicial officer.

Mr. A. Eachara Menon *(Chittur-Rural)*: Mr. George had been a co'league of mine. His humour and his association with people are known to me. He had been a brother to me. I do not want to go through all that has been said here. I associate myself with all that has been referred to here.

മിസ്റ്റർ ബി. എം. പീറർ: സർ, ഞാൻ ഈ അനുശോചനപ്രമേയത്തോട് യോജിക്കുന്നു. ഞാൻ ഉൾപ്പെട്ടുന്ന സമുദായത്തിൽ ഏറവും ഉന്നതനിലയിൽ എത്തിച്ചേർന്ന ഒരു മഹാനാണ് മിസ്റ്റർ ജോർജ്ജ്. അങ്ങിനെയുള്ള ഒരു മാന്യനാണ് ഇന്നു നമുക്കു നഷ്ടപ്പെട്ടിട്ടുള്ളതു. നിങ്ങളെല്ലാവരും അറിഞ്ഞിട്ടുള്ളതുപോലെതന്നെ മിസ്റ്റർ ജോർജ്ജ് തന്റെ ജീവിതകാലം ധനസമ്പാദനത്തിനുവേണ്ടിയോ, കുടുംബരക്ഷക്കുവേണ്ടിയോ ഉപയോഗിച്ചിരുന്നില്ല. രാഷ്ട്രീയ സേവനത്തിനും സമുദായോന്നമനത്തിനും സാധുക്കളുടെ രക്ഷക്കുംവേണ്ടി അദ്ദേഹത്തിന്റെ പൂർണ്ണസമയവും ഉപയോഗിച്ചിരുന്നു. മിസ്റ്റർ ജോർജ്ജിന്റെ നിര്യാണംമൂലം ഞങ്ങളുടെ ലത്തീൻ ക്രിസ്ത്യൻ സമുദായത്തിനു പ്രത്യേകിച്ചും, കൊച്ചീരാജ്യത്തിനു പൊതുവേയും ഒരു രാഷ്ട്രീയനേതാവു നഷ്ടപ്പെട്ടിട്ടുണ്ട്. അതുപോലെതന്നെ ഒരു ദേശീയദാസനും നഷ്ടപ്പെട്ടുപോയി. അതുപോലെതന്നെ അദ്ദേഹവുമായി പരിചയപ്പെട്ടിട്ടുള്ളവർക്കെല്ലാം ഒരു നല്ല സ്നേഹിതൻ നഷ്ടപ്പെട്ടുപോയി. ഇങ്ങിനെ അദ്ദേഹത്തിന്റെ കുടുംബത്തിനു വന്നിരിക്കുന്ന ക്ലേശത്തിൽ ഞാനും പങ്കുകൊള്ളുന്നതോടുകൂടി അദ്ദേഹത്തിന്റെ ആത്മാവിനും നിത്യശാന്തിക്കായി പ്രാർത്ഥിക്കുന്നു.

Mr. President: On behalf of the Chair, I wish to associate myself with all that has been said about the untimely death of Mr. George Chakyamuri while still in service. I request the House to pass the motion, standing.

Motion passed nem con, all members standing as a mark of respect to the memory of the deceased

Announcement of the Result of Election of the Text Book Committee

Mr. President: The nomination paper of Mr. K. R. Achyutan alone has been received for election of a non-official member to the Text Book Committee till 5 p.m, on 24th November 1942 and therefore, Mr. Achyutan has been returned unopposed, to the Committee.

1. The Cochin Code of Criminal Procedure (Amendment) Bill)

Mr. M. Sivarama Menon *(Advocate-General)*: I beg to move that the Cochin Code o Criminal Procedure (Amendment) Bill be taken up and finally passed.

Mr. C. J. Mathew *(Joint Secretary to Government)*: I second it.

Motion put and carried

2. The Cochin Income-tax Act (Amendment) Bill

Mr. M. Sivarama Menon *(Advocate-General)*: I beg to move that the Cochin Income-tax Act (Amendment) Bill be taken up and finally passed.

Mr. C. J. Mathew *(Joint Secretary to Government)*: I second it.

Motion put and carried

3. The Registration of Literary, Scientific and Charitable Societies Act (Amendment) Bill

Rama Varmha Tampuran *(Secretary to Government)*: Sir, I seek your permission to place before this House the Select Committee Report on the Registration of Literary, Scientific and Charitable Societies Act (Amendment) Bill. The main intention of this amending Bill is to seek powers to call on societies registered under this Act to submit accounts whenever Government request them to do so. Also, power is sought to review the reports of inspection and pass such orders as the Government may deem fit. They may also fine, or remove any member or servant of the society who wilfully disobeys the orders passed by the Government. It is also proposed that Government should retain power to fill up vacancies caused by the removal or dismissal of the members in the governing body when it is necessary to do so in the interests of

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the society. Though the Government take powers to do like these in the case of societies registered under this Act, the court is also given jurisdiction to hear appeals or any complaints in connection with the action taken by the Government. Also it is proposed that in the case of a society dissolved, the Government should have power to accept the management of the society, even though according to the present Act, it is not possible for the Government to interfere in such matters and take over the management of the society. For example, according to the provision of the present Act, when a society is dissolved, the assets of the society should vest in a similar society.

Suppose there is difficulty to find a similar society, *i.e.*, a society registered for the same purpose. Then it will be difficult to work that section. Therefore it is proposed that if such a contingency arises that is if a society registered under this Act is dissolved and there is no other society which could be entrusted with the assets of the society that has gone into liquidation, then the Government should be empowered to take over the assets and manage, provided the Government have no objection to do so.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* Has there been any instance of such dissolution ?

Rama Varmha Tampuran *(Secretary to Government):* Of course there is the Kalamandalam. There, I mean they handed over the whole assets.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* Is there no other instance ?

Rama Varmha Tampuran *(Secretary to Government):* As was explained at length by the then Hon'ble Minister at the time when this Bill was first introduced, there was a specific instance which induced the Government to bring in this measure. It was in connection with the action that had to be taken or proposed to be taken against the Cherathuruthi Ayurveda Samajam. As was then clearly pointed out that was an institution which had collected large sums of money from the public and running as a charitable institution. The Government had given them valuable land free of cost or at reduced cost. They were also giving them an annual grant of Rs. 5,000. When conditions were like this, and when that society was functioning certain complaints were received by Government that the society was not really working as it ought to do. The Minister who was in charge of the Ayurvedic Department wanted to inspect and called upon the Society to submit their books. There was difficulty to get that done and when the question was examined, it was found that Government had absolutely no power whatsoever to rectify matters if things were going wrong in a charitable society registered under this Act. And the classes of society that might come under this Act are really many.—Societies that have been started for several purposes not only for purely charitable but also say, for improvement of literary knowledge, culture and all kinds of things could really come under this Act. Therefore if an institution raises public fund and starts work and then later on falls into wrong methods of management, there is no way in which the public interest could be safeguarded. That was the real motive underlying this Act. As the then-President pointed out during the course of the discussion at several points, it was very necessary for the Government to take in such powers because if they do not do that, the result will simply that 7 or 8 persons could join together, raise funds for ostensibly good purposes, run the society say admittedly for a short time on satisfactory lines and then later on play fraud and mismanage the whole show. It might be asked whether there is not a way in which one or two members of the society might approach the courts and get matters rectified. Of course that is possible, but when there is a small committee of 7 and if all the 7 members agree that what they are doing is correct, then there is no way of questioning their conduct. That was the real situation and it is only to avoid recurrence of such public scandals, if I may say so, that Government thought that they should take power to inspect these societies. And after-all even under the amended Act they are not doing anything very drastic, they are only asking the accounts to be produced and periodical inspections to be done by Government officers and things of that kind which are purely innoccuous and which could only be to the best interest of such societies themselves. It will inspire confidence in the societies and will create a public morale among them. And the Government officers cannot go on unnecessarily interfering with the working of the societies. The kind of interference so to say, even if you call it by that term is that the officer who is allowed to indulge under the Act is specifically mentioned and he cannot go out of the way and create difficulties in the way of societies. On the other hand, if the society could say "well the Government have inspected our books, the Government themselves have been satisfied that the way in which we are working is satisfactory, there is a greater chance for these societies to prosper. As a matter of fact, if a society is registered now and suppose they want to raise some

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money for a noble cause in Bengal, how can the people in Bengal know that the society is functioning well. One or two representatives will go there and espouse their cause. Now if they produce also the Government records which show " Here is a society which has been under the constant care and supervision of Government and the Government have examined our books and the Government have certified that we are doing well " there is a greater chance for public money to be subscribed and collected in places where we may not be otherwise so well-known. Therefore it is really to the good of the society itself that there should be some enabling provisions like this for the Government just to have some sort of general supervision over the society. It is not the intention of the Government at all that they should do anything vexatious, that they should cause any annoyance to any society that is functioning well. Then there might arise occasions when one or two members resign and the society may not think it necessary to fill up those seats. Conditions like that might arise and difficulties might be caused. In such rare instances like this, Government should have the power to nominate members after, of course, going through the usual necessary formalities. To see that the Government's powers are not unnecessarily exercised, such provisions are also necessary. Then, as I said before, the other section that is really important is section 15 (*b*) which says :—" When a Society is dissolvedt under section 15-A, the Court may, if Government are willing to accept the management of the Society, order that such management shall be handed over to Government or that any surplus assets remaining after the satisfaction of the debts and liabilities of the Society may be given to some other Society registered under this Act, which has for its object, the furtherance of aims similar, as near as may be, to the objects of the dissolved Society." As I said before, if there is no such society and if it is best that the Government should themselves take over the management, they should have power. Supposing a large society is floated in the State and a large sum of money say 3 or 4 lakhs has been subscribed or raised by way of lotteries and things like that. Then it will be very unfortunate.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* You need not give sanction for the lottery.

Rama Varmha Tampuran *(Secretary to Government):* That means you will be shutting out all chances for such societies to thrive. The question is whether we should allow the societies to thrive or we should throtle them. On the ground that the provisions that we seek to enforce are vexatious to the societies if we do not want any such societies to thrive at all in Cochin State, well and good, it is very easy, even the whole Act can be abrogated. There will be no trouble either. On the other hand, just like any other Government, if any such societies should prosper then it is best, as found from actual experience by Government, and as was explained in detail by the then Minister, by the then Diwan President and by the then Secretary quoting verses and chapter so to say about theinicdent that occurred at that time, if you want such societies should thrive and if you want to have really public morale so-to-say, and if you want to give satisfaction to the public that the money that hey subscribed is being utilised for the purposes for which they have been intended to be utilised, in that case, Government should have some sort of supervisory powers over these societies. I am quite agreeable to the suggestion that the Government should have no power whatsoever which could be vxatiotusly used against any society. We should never have any provision which might even lend colour to the possibility of such a situation arising. But apart from that, it is very necessary really for the Government to have some sort of supervisory powers ; and we know that conditions in India are not exactly the conditions as they obtain in Europe. Here, for everything so-to-say, the public have to depend and depend upon Government and therefore even to see that the societies like these really prosper and really do the work that is expected of them, some sort of Government control alone will give the necessary satisfaction to the public. Even to satisfy the public, some sort of supervisory powers like these are really necessary.

To go back to section 15-B. If a large society is floated in the State and if a working capital is raised either by lotteries or by entertainments or by donations or by any method—and we have had instances of societies here which really collected also vast sums of money—if one of these societies goes defunct, there is no other proper society of sufficient status to take over management of the society. What would be the position ? Government alone, so to say can step into the breach and remedy the defect. According to the present Act, there is no provision by which Government can do it and section 15-B is just for the purpose. No Government will be over-anxious to assume management of a registered society like this and create all consequent worries and troubles. There is only under unavoidable circumstances, will any Government wish to become the manager so-to-say of a registered society like this. So, this power under section 15-B is not intended to be exercised unless very exceptional conditions arise and there also the court may order, that is all. 15-C runs thus:—"Appeals shall lie to the High

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Court from orders passed under section 15-A as if they were decrees in suits and shall be presented within the time prescribed therefor." Therefore ample provisions and safeguards have also to be provided in section 15-C against any act done by the lower court. These are the salient features of the amending Bill and the committee after very careful consideration have decided to present the report as now drafted. I request that the Bill as amended may be taken up for consideration.

Mr. A. B. Salem *(Mattancheri):* Will the Hon'ble Secretary inform us as to how the present law will not be sufficient for the purpose.

Rama Varmha Tampuran *(Secretary to Government):* Under the present law, there is absolutely no provision.

Mr. A. B. Salem *(Mattancheri):* If in any society misappropriation or any such thing takes place, is the present law under the Penal Code not sufficient to deal with such a situation?

Mr. M. Sivarama Menon *(Advocate-General):* There should be a complaint under the Penal Code for the courts to take cognisance of, and the person making the complaint will have to prove the crime and so there would be nobody to make the complaint. Then how would it come to the notice of the Government.

Mr. A. B. Salem *(Mattancheri):* Will not the public be entitled to make a complaint? The ordinary law is sufficient and public prosecutions can be launched. What is the difficulty?

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* I oppose the Bill. I am reminded of the famous serpents' sacrifice performed by one of the Kings of the Lunar Race described in the Mahabharata. A King of the Lunar Race was bitten by Thakshaka and his son performed a serpent sacrifice to kill all the serpents in the world.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* No retrospective effect is contemplated in this Bill.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* Then all the future snakes. Government nourished a Thakshaka in the northernmost forest region of Cochin State. They gave it milk and they purchased the milk with the public money. They irresponsibly gave the milk to that Thakshaka, that Thakshaka spread its hood and threatened to bite the Government, and Government is now going to kill all the societies in the State. There was no move from any part of the country to the Government to enact such a law here. There are countless societies here and particularly I am concerned with the samajams of the Ezhuva community. We have got samajams in almost every village. In the samajams there will be hundreds of members. The samajams have got definite rules. The samajam meets and the management is governed by the general body. They are all well-controlled societies. If the Government is going to interfere with the working of these self-governing institutions, the result will only be mischief and nothing else as we have experienced in the case of the Ayurveda Samajam. Government gave money. If Government gives money, Government will give it only to big people, not to poor people who have their own samajams and who manage the samajams well. Why should Government come and interfere in their work? Government have not helped them in any way, not a single pie has been given to any of these samajams and they are working in their own way. They will control their own samajams. Why should Government interfere in this matter? The genesis of the Bill, the Secretary himself explained. Government gave money to a samajam and Government gave sanction to conduct a lottery to that samajam of a few members, about 7 or 8 members. But our samajams not only Ezhuva Samajams, the Christian Samajams, the Nayar Samajams, etc., have on their rolls hundreds of members.

Rama Varmha Tampuran *(Secretary to Government):* By passing this Bill it is not obligatory on the Government to call for accounts.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* Why should you call for accounts?

Rama Varmha Tampuran *(Secretary to Government):* Because it is public money.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* It is not one or two individuals that collect money. The samajams have on their rolls hundreds of members.

Rama Varmha Tampuran *(Secretary to Government):* In such cases, Government have no idea to interfere. Government should have powers to interfere with institutions where large sums of public money have been raised and where it is proved to be misused. It is not the intention at all that the Government should come and interfere with the working of any well-managed society. The only thing is if any one of the societies which has raised large sums of money and which is proved to mismanage the institution, the Government will interfere. "The Government may at any time call upon the governing body of any society registered under this Act, to submit periodically accounts of income....." The word used is 'may' and not 'shall'.

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If the Government find that a society is not working and if they find that that society is run by the public funds, surely they should have power to interfere. And if Government is misusing its powers it is open for the members of the House to bring it to the notice of the Government.

Mr. A. B. Salem *(Mattancheri)*: What is your definition of 'public funds'?

Rama Varmha Tampuran *(Secretary to Government)*: That is funds raised by public subscription, not Government funds, or donated by the public at large, not by one or two persons alone.

Mr. A. B. Salem *(Mattancheri)*: I give a man a few rupees for the purpose of a particular institution. I do it voluntarily and am I entitled to ask that man that it is public money and therefore I want an intervention into the affairs of that society? Would it be a question of public funds being safeguarded? That is the difficulty. If you think that also should be watched, then we have got another line of argument to advance. That is why I put this to the Hon'ble member.

Rama Varmha Tampuran *(Secretary to Government)*: The amending Act is there and the original Act is there. What we mean is donations raised from the public at large.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur)*: If the Bill comes into law, the Government then will mean not the Hon'ble Secretary or the Diwan. Government will then mean the lower officers of the Government who can create mischief and discord in the association. Therefore, do not say that the Government will not abuse these things. The samajams have been working for many years now without any difficulty. I asked the Hon'ble Secretary, whether there has been any instance and he cited the instance of the famous Ayurveda Samajam. The Ayurveda Samajam is Government institution almost. Government gave money, Government sanctioned a lottery to raise money and the Government had their own members on the managing body. It was practically, though not technically, a Government concern. That itself proves how Government interference can create mischief and abuse of powers in public institutions. By the patronising partnership of the Government, the Samajam ended in a fiasco. Government did not help the samajams I have referred to. They have not given any money to the samajams. They have raised their own funds. They are social organisations working after the interests of the communities concerned. Why should you go and interfere? Why should you allow your servants to go and interfere. To interfere means to create mischief. Therefore I am deadly against the Bill. I opposed it at the introduction stage. I request Hon'ble members to throw out this Bill. The Secretary said that the Ayurveda Samajam provoked the introduction of the Bill and that heat is over now. Government must have cooled down now. Therefore, in this calm atmosphere, they will revise their opinion and I think they will agree with the House in throwing out the Bill.

Rama Varmha Tampuran *(Secretary to Government)*: The Hon'ble Member is only discussing this bill from the aspect of a few samajams. There are also several other kinds of societies. Why should the hon'ble member discuss this Bill with special reference to the Ezhuva Samajams alone.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Will Samoohams come under this category?

Rama Varmha Tampuran *(Secretary to Government)*: Only if they are registered. The hon'ble member is not discussing this Bill on its own merits. He is only considering how this Act will work against the samajams. If those samajams are working well, Government will not have the slightest ground to interfere, and also no attempt was made to meet the point what should be done when any such situation arises in institutions where money is raised by public subscription. Of course, it is easy to say that the public have been fooled. But is it not also the duty of the Government to protect such interests? They are all started under very laudable objects and probably the original starters might have been very enthusiastic in their work and they might have done their very best and during their time they might have been running the institution very satisfactorily. But afterwards it might have been run on wrong lines. Under the circumstances, should we not have power without going to the extraordinary extent of prosecuting them before a court of law? From a very very limited point of view as to how this Bill will affect a few samajams started by this or the other community, we have no intention at all to interfere with any of those samajams and as a matter of fact we can make it clear by an amendment, if the hon'ble member wants. No amendment has been tabled till now. How could we know that there have been serious misapprehensions? The member who strongly opposed this measure was Mr. P. Govinda Menon and later at the end of the discussion he almost agreed that there was necessity for this Bill. That was the situation then. And he has been a member of the Select Committee. He never protested at any of the meetings and there has been no dissentient minute at all. Mr. P. Achyuta Menon who also a member of this House was

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member of the Committee. Mr. Iyyu was present. Mr. Ramachandra Ayyar was there. They all agreed that this Bill was necessary. They all completely were one with the object of the Bill. What can we do ? If the hon'ble member wants to table an amendment we can have consideration of it tomorrow. We are not at all anxious to rush through this Bill. We are not the least interested to interfere with the samajams of any particular community either. Only where large amounts have been collected from the public at large for laudable objects by good men and where such institutions have fallen into bad ways at the instance probably of their successors should Government have some plenary powers by which they could interfere and what are the powers ? Just to inspect the account books. Where is the objection to produce the account books ? Section 13-A, gives power to Government to call for accounts and inspection of books and section 13-B power to fine any member of the Government body or servant of the society and dismiss him for disobedience in not producing books. Where with any set purpose deliberately vacancies are created and not filled up, Government should have power to interfere and to fill up any such vacancies so that the societies may function. Where at last the society is dissolved for no fault of any one and there is no competent society to take over the management of the society, Government should have power to take it up. There was an instance which was at length in this House.

There is nothing wrong in this Bill and if any amendment has to be introduced to curtail any of these provisions with reference to any particular class of society that can be tried.

Mr. President: If the Ezhuva Samajams are left out of the purview of this Bill have you any objection ?

Mr. C. V. Iyyu *(Kunnamkulam):* No, Sir. The Bill should be discussed in a more wider sense.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* The Hon'ble Secretary says that in the Select Committee there was no dissentient voice. The Government had not received any demand from any society to enact such a measure. Generally such measures are enacted when there is demand for it. There was no such demand in this case. If this Bill becomes law what I fear will take place is this. It will be very easy to pick out members from a society and make them say that there is misappropriation, there is irregularity and so on. It will be very easy. The Secretary says "We are not going to abuse the power" My question is why should they have the power at all if there is no need for such a power. If power is given to anybody there is the likelihood of its being abused also. The Government says that if a society is dissolved there must be another society to take up the assets. Samajams have been working here for the last 35 years. There was no case of dissolution with assets outstanding. If at all there is any dissolution there will be dissolution of assets also. There will be no necessity to find another society to take up the assets. If the Government had many instances of such cases then the Government could have asked the House to consent to such a Bill. Because there was some confusion, some difficulty in one particular Samajam which was almost a Government concern why should the Government go and punish every Samajam. I oppose the Bill. I am not speaking for the Ezhuva Samajams alone. As an instance I simply cited the Ezhuva Samajams. There are Nayar Samajams and Brahmin Samoohams also.

Mr. A. B. Salem *(Mattancheri):* Sir, I also rise to strongly oppose this measure. The conception of this measure is rooted in the debacle that took place with reference to the Ayurveda Samajam at Shoranur. Certain Government officers or the Minister wanted to inspect or wanted to interfere with the affairs of that Samajam and were strongly frustrated in their attempt. They said "You have no right to interfere with us". And with what results we all know. Perhaps, I think, the Chair is not aware of the evolution of it. Certain officers wanted to impose their will over them.

Mr. M. Sivarama Menon *(Advocate-General):* The late Dr. Puduval wanted to inspect their accounts. He was not shown any account and that was how the disputes arose. Under the terms of agreement the Samajam was bound to allow the inspection of accounts by the authorised officer of Government.

Mr. A. B. Salem *(Mattancheri):* You have now admitted from the other side that when you examined the question you had no power of interference. Therefore, you have brought a bill to assume power. An officer of Government wanted to inspect and intervene in their working. They resisted. They said "You have no power to do that." What was the result ? The Institution was brought under displeasure of Government and the institute's working stopped completely. You issued extraordinary "Act of State" orders to go and take possession of the premises and you then wanted to introduce a Bill in this House to give you legal authority to do so. That was the origin of this measure in a nut-shell. At that time we resisted and

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said that such measures should never come into the Statute Book. In this country you get money subscribed from England, from America, you get the Salvation Army doing well, so many other missionary societies doing well, you get money subscribed liberally for many purposes, for proseylitation purposes. You have got Roman Catholic Churches, institutions with money and you have got mosques, synagogues.....

Rama Varmha Tampuran *(Secretary to Government)*: But this relates to Societies registered under this Act.

Mr. A. B. Salem *(Mattancheri)*: Suppose nobody is going to register. With whom are you going to interfere?

What you are going to do is this. After the enactment of this legislation you will bring in a compulsory provision by which every society must register.

Mr. A. Eachara Menon *(Chittur-Rural)*: So far so good.

Mr. A. B. Salem *(Mattancheri)*: The best thing for us to do is to oppose it at the root. Is there any similar Act anywhere else in India?

Mr. C. V. Iyyu *(Kunnamkulam)*: Why not we go in advance of India?

Mr. A. B. Salem *(Mattancheri)*: I ask a question. There are societies like this working all over India and not in this Cochin State alone; and when we find that such a measure is not enacted anywhere else, why should you bring it here? The Shoranur Samajam has printed and circulated their case. There were to be compromises. There were so many conferences for that purpose. The Samajam happened to be managed by great men, men of money, position, status standing, etc., with whom your interference could not work. They were not afraid of the Cochin Government. They fought and even now the fight is not completed. They wanted to come to some terms. Those terms were not agreed to and now there is this Bill.

Rama Varmha Tampuran *(Secretary to Government)*: It is not to victimise that society that this is brought in. That was the occasion when the Government just knew that there were such omissions.

Mr. A. B. Salem *(Mattancheri)*: Till that occasion arose such a bill was not thought of by the Government. My case is, here is a pertinent case in which you wanted to interfere and you were told to mind your own business and not to interfere with them. You at once turn round and say "What! How dare you tell us? We are a Government. We shall show you. We shall at once assume power under legislation and compel you to do it." Is it fair, I ask. If you brought an Act only for the purpose of dealing with that particular Samajam I would have no case. But you bring in a measure by which not only that particular Samajam can be dealt with, but every other Samajam, every other institution in which any money from any where is contributed is affected by this. I put it in that way. I don't use the words "public money." The money should be used in a particular way, in a good way, in a right way and if the Government thinks that these intentions are not carried out is not the Government entitled to come and interfere. Is that an argument? There are these war funds. Is it right for every subscriber to come and interfere with these charitable war funds. "Let us have a look at the accounts to know how you spend the money." Such a thing has never been heard of. Now in the Provinces there are the Governors' War Funds into which subscriptions are paid for charitable purposes, comforts to soldiers, sailors, etc. Suppose the people say "You are not utilising that fund in the proper way. Please let us see the accounts." Would it be fair?

Mr. President: So far as the war fund is concerned I may say that it is very well looked after.

Mr. A. B. Salem *(Mattancheri)*: I only mentioned that as an illustration. Neither in Travancore nor anywhere else is such a measure enacted.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur)*: There was no Ayurveda Samajam there.

Mr. A. B. Salem *(Mattancheri)*: There they have got the S. N. D. P. Samajams. They were running the Ayurveda Samajam as far as I read the literature on correct lines. No doubt, they said to you "No. No. Before you come and catch our property we will take it away. You may come and take possession of the immovable properties and buildings." Anything that originates from a desire to wreak your vengeance upon a person who frustrated you is not a sensible or good origin and therefore on that ground also I oppose this Bill. If the House passes this measure, every institution, Hindu, Muhammad, Jewish, Christian, every charitable institution, every society, everyone can at one time or other come under it. You can bring it under it and in these days when we ask for self-government, when we ask for popular voice to come into Government action you say Government intererence should come into popular action. That is the thing. Even where there are popular Governments there is no such Act to interfere. Most of the big hospitals in

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England are run by private subscription. Is there an Act for Government to interfere? Certainly not. I am not aware of one. Therefore, any measure by which unnecessary powers are given to Government must be opposed from the popular side. Why should you interfere? As the Hon'ble Deputy President said there was no demand for such a legislation in the country at large. There have been no cases of abuse. You were not able to cite half a dozen instances of abuse. Where there are abuses there are provisions for interference and for effective interference. Then what are the powers that you want? You want power to nominate persons in the vacancies that may arise. You want power to take away their account books. When are you to return them? That will be left to you. You want to interfere with their working in every way and you come and say here "If we interfere the confidence of the people at large will be more". But when are you going to interfere. Are you going to interfere in the beginning. You are going to interfere when a lot of funds have come and when in your opinion those moneys have been frittered away. Then you interfere. What is the use? If you are certifying it as a proper society much money may be given by the public at large. Then it is all right. That is encouraging it. What is the other encouragement? Such arguments will not hold water. Why should you assume power? The one thing which you ought to do is to devolve power unto others. If there is anything going wrong in a society all the members will move. Naturally if I am interested in a soceity and that society does not move properly and if I possess ordinary intelligence my duty would be at once to interfere and ask them to set matters right. If they don't move in the right direction I would petition the Diwan to give me sanction to go to court for an Administration Suit. There are ample provisions and the courts will at once interfere. Synagogues have gone to courts, Churches have gone to court. People have gone to court to say that money was spent improperly without authority. "They are doing very many things. Give us a scheme how to manage the institution". There are scheme suits. With all these ample provisions existing in the Statute Book you come here and say "Give us extraordinary powers to go and interfere".

Rama Varmha Tampuran *(Secretary to Government)*: In such matters there is always a public opinion. But in the case of, say for instance, a society with a very abstract object like development of literature and things like that public opinion does not bear such pressure on the society. In the case of churches and mosques the wishes of the majority could be made to bear on the management.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur)*: Then samajams are to be registered under it.

Rama Varmha Tampuran *(Secretary to Government)*: Any amendment could be tabled.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam)*: Sir, for the information of the House I may say that during the Select Committee stage evidence was let in which would go to prove that most of the societies are rotten. There was not a single individual to give evidence that this Act is unwanted.

Mr. M. Sivarama Menon *(Advocate-General)*: Sir, I would like to correct a misapprehension in the minds of the Hon'ble Membrs. When the Bill was originally introduced in this House and when only three non-official members had spoken, namely, Messrs. A. V. Moothedan, P. Govinda Menon and Puthur Achyuta Menon, of which Mr. Govinda Menon alone opposed the Bill and when the question was put by the President as to whether any other non-official member wanted to speak, the House had not even the patience to hear the other members because they were in a hurry to accept the principles of the Bill. The Bill was then referred to the Select Committee and some changes have been effected by the Committee. If the House is against such changes or if the House wants to make any further changes that is quite right. But the principles of the Bill have been accepted by the House and it is neither correct to say that the Bill is being imposed upon the people against their wishes nor is it proper on the part of the House to object to the introduction of this Bill on its principles.

With regard to the point raised by Mr. Salem that there are the members to look after the Samajam I can only ask "Why is the Company Act on the Statute Book? Are there not shareholders?"

Mr. V. K. Bhaskara Menon *(Cranganur)*: May I know, Sir, whether there is any provision in the Company Act under which the Government can appoint directors against the wishes of the shareholders?

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Mr. M. Sivarama Menon *(Advocate-General):* But there is the power of inspection. If you want to throw out the Bill you must attack the principle of the Bill which was accepted by the House and say that no provision for audit or inspection of accounts is necessary. If as a matter of fact this was an unwanted piece of legislation then there would have been more opposition at the time of introduction. Therefore, don't accuse the Government of being anxious to derive these powers by the Bill. The House accepted the principle of the Bill. We considered the matter at the Select Committee and the members of the Select Committee supported us.

Mr. A. B. Salem *(Mattancheri):* I may tell the House when this Bill was sponsored last time the Hon'ble Minister behind whom I sat was entirely for it and he was strongly for it. Nevertheless I got up and opposed. I think that is the only occasion I opposed the Minister. Therefore, you cannot even accuse me of being obstructive. I don't accuse anybody. What I submit to the House is that this Bill in my honest opinion will prove far more mischievous in its effects and in its working than the little benefit of supervision. I am sure our Government is always motivated to look after good things and look after the people of the land, their money, their good name, etc. I am prepared to concede that intention of the Government. What I say is that before you go through a Bill which has got very drastic effects in the future it has to be considered very deeply. I told the Hon'ble Minister that your Select Committee is inadequate for the purpose of seing the future. I had that criticism levelled at him. I opposed the measure. But I was not on the Select Committee. The opposition must always be on the Select Committee.

Mr. C. V. Iyyu *(Kunnamkulam):* Mr. Panampilly Govinda Menon opposed the Bill and he was in the Select Committee.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Did the Hon'ble Member from Mattancheri oppose this Bill during the first stage?

Mr. A. B. Salem *(Mattancheri):* Yes. I strongly opposed and I gave him that criticism. There is a feeling in the Country at large that the Minister was responsible for this measure. Therefore, there need be no accusation on either side.

Then with regard to the other argument about supervision. I say what is the supervision that you are exercising. What is the supervision that you are going to exercise. You are not going to exercise any supervision in the working of the society. You are going to interfere when that society is going wrong. What is the supervision. You are going to interfere to punish. You are not supervising in a consultative way, give advice and asking it to carry on in a particular way. There is no such supervision. You call it supervision when in effect it is not a supervision. It is only punishment and sanction. In any society where money matter is concerned, if moneys are being abused or misappropriated or diverted into channels not intended by the rules of the society the members of that society will certainly take the necessary steps.

Then with regard to the Company Act. What is the Company Act. Are you the inheritor of the funds of the company if the company dissolves? You say you must give it to another society. Will the companies' money go to another company. The money will be divided between the shareholders. What has that analogy to do with this?

Mr. C. V. Iyyu *(Kunnamkulam):* That section had to be introduced in connection with the position of the Kalamandalam. There was no identical society to which the money could be handed over. The Government wanted to bring some more amendments. Mr. Ramachandra Ayyar and I insist that there should he no improvement over it.

The House rose for lunch at 1 p.m. and reassembled at 2-30 p.m. with M. R. Ry. K. Ayyappan Avl., the Hon'ble the Deputy President, in the Chair.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* Sir, since there is so much controversy about this Bill I request that the further consideration of the Bill may be adjourned to the Makaram Meeting.

Mr. K. R. Achyutan *(Ezhuvas-Trichur):* I second it.

Mr. V. J. Mathai *(Planters):* There is absolutely no controversy. May I speak, Sir.

Rama Varmha Tampuran *(Secretary to Government):* It may be postponed to tomorrow or day after tomorrow. Why should it wait till next Makaram.

Mr. V. K. Bhaskara Menon *(Cranganur):* It will be unfair to postpone the further discussion both from the stand point of Government and the public at large.

Rama Varmha Tampuran *(Secretary to Government):* We have no objection.

Deputy President: Since it is opposed, it has to be put.

Motion put and carried.

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